

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ELIE INTERNATIONAL INC.,

Index No.

Plaintiff.

VERIFIED COMPLAINT

-against-

DANIEL HANEY,

Defendant.
-----x

07 CV 3708

JUDGE KAPLAN

Plaintiff, by its attorneys, ARTHUR I. WINARD, P.C.,
complaining of the defendant above named, alleges as follows:

AS AND FOR A FIRST
CAUSE OF ACTION:

MAY 10 2007

1. At all times hereinafter mentioned, plaintiff was and still is a corporation organized and existing under the laws of the State of New York, having its principal place of business in the City, County and State of New York.
2. At all times hereinafter mentioned, defendant was and still is a citizen of the State of Texas.
3. The amount in controversy exceeds the sum of Seventy-Five (\$75,000.00) Dollars, exclusive of interest and costs, and jurisdiction exists by virtue of 28 U.S.C. 1332.
4. Venue in this district is proper pursuant to signed agreement between the parties.
5. On or about June 28, 2004, plaintiff and defendant entered into a written Agreement (hereinafter the "June 28, 2004 Agreement") pursuant to which plaintiff, which was and still is engaged

in the sale of jewelry, hired defendant as plaintiff's sales representative to represent plaintiff in promoting and selling its jewelry.

6. The June 28, 2004 Agreement provided in pertinent part that all merchandise provided by plaintiff to defendant as its sales representative:

"...will be turned over to sales rep pursuant to all-risk memorandum pursuant to which sales rep will be fully responsible for all merchandise which is not returned to Elie or sold by sales rep to customers for Elie, it being agreed that the stated all-risk memorandum value of the merchandise represents its actual fair market value."

7. Pursuant to the provisions of the June 28, 2004 Agreement, on June 28, 2004 and July 22, 2004, defendant received various items of jewelry on consignment from the plaintiff pursuant to All-Risk Memorandum, the said items of jewelry having a total stated and agreed value of \$112,585.93.

8. On July 31, 2004 defendant suffered a burglary loss of all the items of jewelry entrusted to him by plaintiff on consignment pursuant to the aforesaid All-Risk Memoranda.

9. By reason of said burglary loss and in accordance with the terms of the June 28, 2004 Agreement and the terms of the aforesaid All-Risk Memoranda, defendant became liable to plaintiff for the agreed stated valued of the stolen jewelry, to wit: the sum of \$112,585.93.

10. Subsequent to July 31, 2004, a portion of the plaintiff's stolen, consigned jewelry was recovered by the FBI

and returned to plaintiff, said recovered-returned jewelry having an agreed value of \$20,065.07 which, together with a \$4,500.00 payment from defendant, was credited to defendant's account, thereby reducing the principal amount of his liability to plaintiff to the sum of \$88,020.86 as of December 28, 2005.

11. On or about December 28, 2005, plaintiff and defendant entered into a further written Agreement (hereinafter the "Payment Agreement") pursuant to which defendant, in pertinent part, acknowledged his liability to plaintiff in the principal amount of \$88,020.86 and agreed that said sum would be paid no later than December 31, 2006.

12. No part of the sum of \$88,020.86 has been paid by defendant, despite demand therefor, and said sum is now justly due and owing to plaintiff.

AS AND FOR A
SECOND CAUSE OF ACTION:

13. Plaintiff repeats and realleges each and every allegation contained in Paragraphs "1" through "4" of this Complaint as though more fully and completely set forth herein at length.

14. On or about June 15, 2006, plaintiff and defendant entered into another written Agreement (hereinafter the "June 15, 2006 Agreement") pursuant to which plaintiff again engaged defendant as plaintiff's sales representative.

15. Under the terms of the June 15, 2006 Agreement,

defendant's compensation was on a "draw against commission" basis, with defendant being obligated to reimburse plaintiff for the amount of any overdraw, i.e., draw in excess of commissions earned.

16. As of February 7, 2007, the amount of draw received by defendant from plaintiff exceeded the amount of the commissions he had earned by \$3,717.25, which said amount defendant was obligated to reimburse plaintiff.

17. No part of the sum of \$3,713.25 has been paid by defendant, despite demand therefor, and said sum is now justly due and owing to plaintiff.

AS AND FOR A
THIRD CAUSE OF ACTION:

18. Plaintiff repeats and realleges each and every allegation contained in Paragraphs "1" through "12" and "13" through "17" of this Complaint as though more fully and completely set forth herein at length.

19. Each of the aforesaid Agreements provide that in the event plaintiff commences any litigation against the defendant to enforce its rights under such Agreement, then in addition to any amount otherwise due and owing, the defendant will further be liable to plaintiff for reasonable attorneys' fees.

20. It has been necessary for plaintiff to retain the firm of ARTHUR I. WINARD, P.C., as its attorneys in order to enforce plaintiff's rights against defendant under the aforesaid

Agreements, the plaintiff thereby being obliged to incur legal fees and to reimburse its attorneys for costs and disbursements incurred by said attorneys in conjunction with this litigation.

21. By reason of the premises, as aforesaid, defendant is further liable to plaintiff for reasonable attorney's fees in an amount to be determined and fixed by the Court.

WHEREFORE, plaintiff demands Judgment against the defendant:

(a) On its First Cause of Action in the amount of \$88,020.86, together with interest thereon from July 31, 2004;

(b) On its Second Cause of Action in the amount of \$3,717.25, together with interest thereon from February 7, 2007;

(c) On its Third Cause of Action for reasonable attorneys' fees;

altogether with the costs and disbursements of this action.

Dated: New York, New York
May 9, 2007

ARTHUR I. WINARD, P.C.

By: 

Arthur I. Winard (AW 7201)

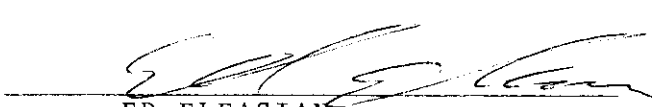
Attorneys for Plaintiff
60 East 42 Street -- Suite 3419
New York, New York 10165
(212) 697-9011

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ED ELEASIAN, being duly sworn, deposes and says:

Deponent is the Vice-President of ELIE INTERNATIONAL INC., the plaintiff in the within action; that deponent has read the foregoing Complaint and knows the contents thereof; that the same is true to deponent's own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.

This verification is made by deponent because ELIE INTERNATIONAL INC. is a New York corporation. Deponent is an officer thereof, to wit, its Vice-President. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: the books and records maintained by the corporation in the ordinary course of its business.


ED ELEASIAN

Sworn to before me this
9th day of May, 2007.


Notary Public

MARK ROSENFELD
Notary Public, State of New York
No. 31-3356095
Qualified in New York County
Commission Expires Sept 27, 2009

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIE INTERNATIONAL INC.,

Plaintiff,

-against-

DANIEL HANEY,

Defendant.

VERIFIED COMPLAINT

ARTHUR I. WINARD, P.C.

Attorney(s) for Plaintiff

Office and Post Office Address

SUITE 3419

60 EAST 42ND STREET

NEW YORK, NEW YORK 10165

(212) 697-9011

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir:-Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named Court, at
on the day of

at M.

Dated,

Yours, etc.

ARTHUR I. WINARD, P.C.

Attorney(s) for

Office and Post Office Address

SUITE 3419

60 EAST 42ND STREET

NEW YORK, NEW YORK 10165

To

Attorney(s) for

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

ELIE INTERNATIONAL INC.,

Plaintiff,

CASE NO.

-against-

DANIEL HANEY,

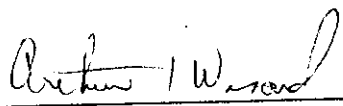
Defendant.

-----X

PURSUANT TO RULE 7.1 (Formerly Local General Rule 9) OF
THE FEDERAL RULES OF CIVIL PROCEDURE AND THE U.S. DISTRICT
COURT FOR THE SOUTHERN AND EASTERN DISTRICTS OF
NEW YORK AND TO ENABLE JUDGES AND MAGISTRATE JUDGES
OF THE COURT TO EVALUATE POSSIBLE DISQUALIFICATION OR RECUSAL,
THE UNDERSIGNED COUNSEL FOR ELIE INTERNATIONAL INC. (A
PRIVATE NON-GOVERNMENTAL PARTY) CERTIFIES THAT THE FOLLOWING ARE
CORPORATE PARENTS, AFFILIATES AND/OR SUBSIDIARIES OF SAID PARTY
WHICH ARE PUBLICLY HELD.

DATE: May 9, 2007

FORM SDNY-9


SIGNATURE OF ATTORNEY
ARTHUR I. WINARD (AW 7201)

JS 44C/SDNY
REV. 12/2005

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

DEFENDANTS

ELIE INTERNATIONAL INC.

DANIEL HANEY

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

ARTHUR I. WINARD, P.C.

60 East 42 Street -- Suite 3419

New York, New York 10165 (212) 697-9011

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

Breach of Contract

Has this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	OTHER STATUTES	OTHER STATUTES
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 610 AGRICULTURE	<input type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 400 STATE	<input type="checkbox"/> 400 STATE	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> 365 PERSONAL INJURY -	<input type="checkbox"/> 620 FOOD & DRUG	<input type="checkbox"/> 28 USC 158	<input type="checkbox"/> 410 ANTI-TRUST	<input type="checkbox"/> 410 ANTI-TRUST	<input type="checkbox"/> 410 ANTI-TRUST
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 625 DRUG RELATED	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 430 BANKS & BANKING	<input type="checkbox"/> 430 BANKS & BANKING	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 330 Slander	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 630 SEIZURE OF	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 450 COMMERCE/ACC	<input type="checkbox"/> 450 COMMERCE/ACC	<input type="checkbox"/> 450 COMMERCE/ACC
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL EMPLOYERS'	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 640 RR & TRUCK		<input type="checkbox"/> 460 DEPORTATION	<input type="checkbox"/> 460 DEPORTATION	<input type="checkbox"/> 460 DEPORTATION
<input type="checkbox"/> OVERPAYMENT &	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> 650 LIQUOR LAWS	PROPERTY RIGHTS	<input type="checkbox"/> 470 RACKETEER INFLU-	<input type="checkbox"/> 470 RACKETEER INFLU-	<input type="checkbox"/> 470 RACKETEER INFLU-
<input type="checkbox"/> ENFORCEMENT OF	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 660 AIRLINE REGS	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> ENCED & CORRUPT	<input type="checkbox"/> ENCED & CORRUPT	<input type="checkbox"/> ENCED & CORRUPT
<input type="checkbox"/> JUDGMENT	<input type="checkbox"/> 345 MARINE PRODUCT	PERSONAL PROPERTY	<input type="checkbox"/> 680 OCCUPATIONAL	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> ORGANIZATION ACT	<input type="checkbox"/> ORGANIZATION ACT	<input type="checkbox"/> ORGANIZATION ACT
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> SAFETY/HEALTH	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> (RICO)	<input type="checkbox"/> (RICO)	<input type="checkbox"/> (RICO)
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 690 OTHER		<input type="checkbox"/> 480 CONSUMER CREDIT	<input type="checkbox"/> 480 CONSUMER CREDIT	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> DEFAULTED	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> 380 OTHER PERSONAL	LABOR	SOCIAL SECURITY	<input type="checkbox"/> 490 CABLE/SATELLITE TV	<input type="checkbox"/> 490 CABLE/SATELLITE TV	<input type="checkbox"/> 490 CABLE/SATELLITE TV
<input type="checkbox"/> STUDENT LOANS	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR	<input type="checkbox"/> 861 MIA (1395FF)	<input type="checkbox"/> 810 SELECTIVE SERVICE	<input type="checkbox"/> 810 SELECTIVE SERVICE	<input type="checkbox"/> 810 SELECTIVE SERVICE
<input type="checkbox"/> (EXCL VETERANS)	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> STANDARDS ACT	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 850 SECURITIES/	<input type="checkbox"/> 850 SECURITIES/	<input type="checkbox"/> 850 SECURITIES/
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> INJURY		<input type="checkbox"/> LABOR/MTG	<input type="checkbox"/> 863 DWC (405(g))	<input type="checkbox"/> COMMODITIES/	<input type="checkbox"/> COMMODITIES/	<input type="checkbox"/> COMMODITIES/
<input type="checkbox"/> OVERPAYMENT OF			<input type="checkbox"/> RELATIONS	<input type="checkbox"/> 863 DWW (405(g))	<input type="checkbox"/> EXCHANGE	<input type="checkbox"/> EXCHANGE	<input type="checkbox"/> EXCHANGE
<input type="checkbox"/> VETERANS BENEFITS			<input type="checkbox"/> LABOR/MTG	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 875 CUSTOMER	<input type="checkbox"/> 875 CUSTOMER	<input type="checkbox"/> 875 CUSTOMER
<input type="checkbox"/> 160 STOCKHOLDERS SUITS			<input type="checkbox"/> REPORTING &	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> CHALLENGE	<input type="checkbox"/> CHALLENGE	<input type="checkbox"/> CHALLENGE
<input type="checkbox"/> 190 OTHER CONTRACT			<input type="checkbox"/> DISCLOSURE ACT		<input type="checkbox"/> 12 USC 3410	<input type="checkbox"/> 12 USC 3410	<input type="checkbox"/> 12 USC 3410
<input checked="" type="checkbox"/> 195 CONTRACT PRODUCT			<input type="checkbox"/> RAILWAY LABOR ACT	FEDERAL TAX SUITS	<input type="checkbox"/> 891 AGRICULTURE ACTS	<input type="checkbox"/> 891 AGRICULTURE ACTS	<input type="checkbox"/> 891 AGRICULTURE ACTS
<input type="checkbox"/> LIABILITY			<input type="checkbox"/> OTHER LABOR	<input type="checkbox"/> 870 TAXES	<input type="checkbox"/> 892 ECONOMIC	<input type="checkbox"/> 892 ECONOMIC	<input type="checkbox"/> 892 ECONOMIC
<input type="checkbox"/> 196 FRANCHISE			<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> STABILIZATION ACT	<input type="checkbox"/> STABILIZATION ACT	<input type="checkbox"/> STABILIZATION ACT
			<input type="checkbox"/> EMPL RET INC	<input type="checkbox"/> 20 USC 7609	<input type="checkbox"/> 893 ENVIRONMENTAL	<input type="checkbox"/> 893 ENVIRONMENTAL	<input type="checkbox"/> 893 ENVIRONMENTAL
			<input type="checkbox"/> SECURITY ACT		<input type="checkbox"/> MATTERS	<input type="checkbox"/> MATTERS	<input type="checkbox"/> MATTERS
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			<input type="checkbox"/> 894 ENERGY	<input type="checkbox"/> 894 ENERGY	<input type="checkbox"/> 894 ENERGY
<input type="checkbox"/> 210 LAND CONDEMNATION	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 510 MOTIONS TO			<input type="checkbox"/> ALLOCATION ACT	<input type="checkbox"/> ALLOCATION ACT	<input type="checkbox"/> ALLOCATION ACT
<input type="checkbox"/> 220 FORECLOSURE	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> VACATE SENTENCE			<input type="checkbox"/> FREEDOM OF	<input type="checkbox"/> FREEDOM OF	<input type="checkbox"/> FREEDOM OF
<input type="checkbox"/> 230 RENT LEASE &	<input type="checkbox"/> 443 HOUSING	<input type="checkbox"/> 20 USC 2255			<input type="checkbox"/> INFORMATION ACT	<input type="checkbox"/> INFORMATION ACT	<input type="checkbox"/> INFORMATION ACT
<input type="checkbox"/> EJECTMENT	<input type="checkbox"/> 444 ACCOMMODATIONS	<input type="checkbox"/> 530 HABEAS CORPUS			<input type="checkbox"/> 900 APPEAL OF FEE	<input type="checkbox"/> 900 APPEAL OF FEE	<input type="checkbox"/> 900 APPEAL OF FEE
<input type="checkbox"/> 240 TORTS TO LAND	<input type="checkbox"/> 444 WELFARE	<input type="checkbox"/> 535 DEATH PENALTY			<input type="checkbox"/> DETERMINATION	<input type="checkbox"/> DETERMINATION	<input type="checkbox"/> DETERMINATION
<input type="checkbox"/> 246 TORT PRODUCT	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 540 MANDAMUS & OTHER			<input type="checkbox"/> UNDER EQUAL ACCESS	<input type="checkbox"/> UNDER EQUAL ACCESS	<input type="checkbox"/> UNDER EQUAL ACCESS
<input type="checkbox"/> LIABILITY	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 550 CIVIL RIGHTS			<input type="checkbox"/> TO JUSTICE	<input type="checkbox"/> TO JUSTICE	<input type="checkbox"/> TO JUSTICE
<input type="checkbox"/> 290 ALL OTHER	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 555 PRISON CONDITION			<input type="checkbox"/> 950 CONSTITUTIONALITY	<input type="checkbox"/> 950 CONSTITUTIONALITY	<input type="checkbox"/> 950 CONSTITUTIONALITY
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 446 AMERICANS WITH				<input type="checkbox"/> OF STATE STATUTES	<input type="checkbox"/> OF STATE STATUTES	<input type="checkbox"/> OF STATE STATUTES
	<input type="checkbox"/> DISABILITIES - OTHER				<input type="checkbox"/> 890 OTHER STATUTORY	<input type="checkbox"/> 890 OTHER STATUTORY	<input type="checkbox"/> 890 OTHER STATUTORY
	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS				<input type="checkbox"/> ACTIONS	<input type="checkbox"/> ACTIONS	<input type="checkbox"/> ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$

OTHER

JUDGE

DOCKET NUMBER

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment

AND at least one party is a pro se litigant

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	<input type="checkbox"/>	<input type="checkbox"/>	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	<input type="checkbox"/>	<input type="checkbox"/>	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	<input type="checkbox"/>	<input type="checkbox"/>
CITIZEN OF ANOTHER STATE	<input type="checkbox"/>	<input checked="" type="checkbox"/>	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FOREIGN NATION	<input type="checkbox"/>	<input type="checkbox"/>

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

2 West 47 Street
New York, New York 10036
New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

146 Rockhill
San Antonio, Texas 78209
Bexar County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
(DO NOT check either box if this is a PRISONER PETITION.)

DATE SIGNATURE OF ATTORNEY OF RECORD

May 10, 2007

RECEIPT #

Arthur I. Wajsbort

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO☒ YES (DATE ADMITTED Mo. 12 Yr. 1946)

Attorney Bar Code # AW 7201

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

J Michael McMahon, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)